



DEPARTMENT OF EDUCATION

34 CFR Part 81

[Docket ID ED-2021-OFO-0121]

RIN 1880-AA91

Standardizing Filing Procedures for Administrative Appeals;  
Correction

AGENCY: Office of Finance and Operations, Department of  
Education.

ACTION: Technical amendment.

SUMMARY: On September 23, 2021, the Department of  
Education published in the *Federal Register* final  
regulations for Standardizing Filing Procedures for  
Administrative Appeals. This document corrects an error to  
the regulatory text in the final regulations.

DATES: The correction to these final regulations is  
effective [INSERT DATE OF PUBLICATION IN THE FEDERAL  
REGISTER].

FOR FURTHER INFORMATION CONTACT: George Abbott, 400  
Maryland Avenue, SW, room 10089, Potomac Center Plaza,  
Washington, DC 20202. Telephone: (202) 245-8300. Email:  
George.Abbott@ed.gov.

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(TDD) or a text telephone (TTY), call the Federal Relay  
Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: This document corrects an error

in FR Doc. 2021-20304 that published in the *Federal Register* on September 23, 2021 (86 FR 52829). Due to a technical error, paragraph (b)(3) was not added to 34 CFR 81.20. This technical amendment adds paragraph (b)(3) to §81.20.

#### Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act, 5 U.S.C. 553, it is the Secretary's practice to offer interested parties the opportunity to comment on proposed regulations. However, the regulatory changes in this document are necessary to correct an error and do not establish any new substantive rules. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary under 5 U.S.C. 553(b)(B).

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List of Subjects in 34 CFR Part 81

Administrative practice and procedure, Grant programs-education.

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Denise L. Carter,  
*Acting Assistant Secretary,  
Office of Finance and  
Operations.*

For the reasons set out in the preamble to FR Doc. 2021-20304, published in the *Federal Register* on September 23, 2021 (86 FR 52829), the Department of Education makes the following technical amendment to 34 CFR part 81.

PART 81 - GENERAL EDUCATION PROVISIONS ACT - ENFORCEMENT

1. The authority citation for part 81 continues to read as follows:

Authority: 20 U.S.C. 1221e-3, 1234-1234i, and 3474(a), unless otherwise noted.

2. Amend §81.20 by:

- a. Adding paragraph (b) (3); and
- b. Removing the parenthetical authority citation at the end of the section.

The addition reads as follows:

**§ 81.20 Interlocutory appeals to the Secretary from rulings of an ALJ.**

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(b) \*\*\*

(3) (i) The petition must be filed electronically, and served upon the ALJ and other parties, by submission to OES on behalf of the Office of the Secretary unless a party shows the Secretary good cause why the petition cannot be filed electronically.

(ii) If the Secretary permits a party to file a petition in paper format, the filing party must file the petition with the Office of Hearings and Appeals (OHA) on behalf of the Secretary by hand-delivery or regular mail. The filing party must provide a copy of the petition to the ALJ at the time the petition is filed, and a copy of the petition must be served upon the other parties by hand-delivery or regular mail.

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